

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19028 of 2004

Between:

Smt. Rahmat Bee, W/o Late Gulam Mohammad,
Bank Colony, Shahbad Road, Cittapur, Dist: Gulbarga, Karnataka.

..... PETITIONER

AND

The Chief Manager (PPG), State Bank of Hyderabad,
Gunfoundry, Hyderabad - 500 001.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction in the nature of Mandamus, declaring inaction of the respondent withholding my pensions without any proper Inquiry without any valid reasons in spite of my several representation as being illegal, unjust, arbitrary and violative of Article 14 and 15 of the Constitution of India.

Counsel for the Petitioner:MRS.ANITA SWAIN

Counsel for the Respondent : NONE APPEARED

The Court at the stage of admission made the following :

ORDER:

The petitioner claims that she is the legally wedded wife of the deceased employee

who worked with the respondent-Bank. There is a counter claim made by another lady claiming that she is the legally wedded wife. Since there is a dispute as to who is the legally wedded wife of deceased employee, the respondent is not in a position to settle the pensionary benefits. The petitioner approached this Court seeking a direction to the respondent-Bank to release the pensionary benefits in her favour. But since there is a dispute regarding the legal relationship of the petitioner with the deceased employee, this is a fit matter to be agitated before a civil Court and after obtaining a declaration only, the respondent will be in a position to pay the pensionary benefits to the person who is legally entitled for it. If the petitioner is in a position to trace the other lady, and if they come to a compromise, the respondent already reported that it has no objection to pay the pensionary benefits in equal shares. Since there is a disputed question of fact regarding the legal relationship of the petitioner, no direction by way of writ of Mandamus could be given to the respondent for release of the pensionary benefits.

The Writ Petition is accordingly dismissed.

Dr. G. Yethirajulu, J.

Dt:14th October, 2004.

Rns.

To

1. The Chief Manager (PPG), State Bank of Hyderabad,
Gunfoundry, Hyderabad - 500 001.

2. Two CD copies.